

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA,
Plaintiff

v.

1575 MOONEY LANE
INGLESIDE, TX 78362
Defendant

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CIVIL CASE NO. 2:18-CV-332

VERIFIED COMPLAINT FOR FORFEITURE IN REM

Plaintiff, the United States of America, by and through its United States Attorney for the Southern District of Texas and the undersigned Assistant United States Attorney, represents:

NATURE OF ACTION

1. This is a civil forfeiture action in rem brought under: (a) 18 U.S.C. § 981(a)(1)(A) which provides for the forfeiture of real property involved in a transaction or attempted transaction in violation of 18 U.S.C. §§ 1956, 1957 or 1960 or any property traceable to such property; (b) 21 U.S.C. § 881(a)(7) which provides for the forfeiture of all real property, including any right, title, and interest in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit or to facilitate the commission of a violation of Title II of the Controlled Substances Act, 21 U.S.C. § 801, et seq; (c) 18 U.S.C. § 981(a)(1)(C) incorporating 18 U.S.C. § 1956(c)(7)(A) and 18 U.S.C. § 1961(1) which provides for the forfeiture of real property which constitutes or is derived from proceeds traceable to any offense involving the felonious buying, selling, receiving,

importing or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), punishable under any law of the United States; and (d) 21 U.S.C. § 881(a)(6) which provides for the forfeiture of all proceeds traceable to an exchange for a controlled substance or listed chemical in violation of Title II of the Controlled Substances Act, 21 U.S.C. § 801, et seq.

JURISDICTION AND VENUE

2. This Court has subject-matter jurisdiction of this action pursuant to 28 U.S.C. §§ 1345 and 1355.

3. Venue is proper in the Southern District of Texas under 28 U.S.C. §§ 1355, 1391 and 1395.

DEFENDANT PROPERTY

4. The defendant is real property and improvements located at: 1575 Mooney, Ingleside, TX 78362, with a legal description of: All that certain lot, tract or parcel of land lying and being situated in the County of San Patricio, State of Texas, described as follows, to-wit:

3.89 acres, more or less, out of the Northeast One-Half (N.E. ½) of Farm Lot No. Six (6), Land Block "C" of the Burton and Danforth Subdivision, according to the map or plat of said subdivision made by P. L. Telford, Surveyor, recorded in Vol. 1, Pages 62-63, Map Records, Aransas County, Texas, a certified photo copy of which recorded map being of record in Vol. 152, Page 1, Deed Records, San Patricio County, Texas; to which map and the records

thereof references are made for further description of said property;

BEGINNING at the Northeast corner of Lot 6, Block "C" of said Burton and Danforth Subdivision, in the south line of a 40 ft. roadway known as Mooney Lane;

THENCE, S. 34 deg. 37 min. W. along the East line of said Lot 6, 640 ft. to the southeast corner of this tract;

THENCE, turning Right 90 deg., N. 55 deg. 23 min. W. 330 ft. to the southwest corner of this tract in the West line of said Lot 6;

THENCE, turning 90 deg. Right, N. 34 deg. 37 min. E. with the West line of said Lot 6, 389 ft. to a corner;

THENCE, turning 90 deg. Right, S. 55 deg. 23 min. E. 185 ft. to an internal corner of this tract;

THENCE, turning 90 deg. Left, N. 34 deg. 37 min. E. 251 ft. to a corner in the north line of said lot 6 in the south line of Mooney Lane;

THENCE, turning 90 deg. Right, S. 55 deg. 23 min. E. along the line of said Lot 6 and the south line of Mooney Lane a 40 ft. roadway 165 ft. to the point of beginning, containing 3.89 acres, more or less., hereafter referred to as the "Defendant Real Property."

5. The record owner of the Defendant Real Property is Jimmy C. Mullenax, Jr. who is deceased.
6. The Defendant Real Property is located within this district and within the jurisdiction of the Court.

FACTS

7. Upon information and belief the United States of America alleges:

a. On March 14, 2018, Jimmy Curtis Mullenax, the son of the record owner of Defendant Real Property, was indicted by superseding indictment for Conspiracy to Possess With Intent to distribute More than 50 grams of methamphetamine (Cause No. 2:17CR735-S). In addition to these offenses, the indictment gave notice of forfeiture of Defendant Real Property. Jimmy Curtis Mullenax pled guilty on April 11, 2018. He agreed to forfeit his interest in Defendant Real Property and a preliminary order of forfeiture was entered on April 30, 2018 (D.E. 291). During his plea of guilty, Mullenax admitted that he had been a methamphetamine dealer for several years beginning in at least 2012. He admitted to distributing methamphetamine from at least 2012 until his arrest on November 30, 2017 from the Defendant Real Property. Cathy Mullenax, the mother of Jimmy Curtis Mullenax, filed a petition as to third party interest in the criminal case on June 1, 2018. She asserted that she is the sole heir to Defendant Real Property, receiving the property from her late husband, James Curtis Mullenax, Jr.

b. Defendant Real Property has been utilized by Jimmy Curtis Mullenax and his co-conspirators from at least 2014 to the present. Defendant Real Property has been used to facilitate Jimmy Curtis Mullenax's drug activities and to receive the proceeds from his drug transactions. Law enforcement agents estimate that there have been at least 100 narcotics transactions conducted at Defendant Real Property by Mullenax and his co-conspirators.

c. On April 19, 2005, a state search warrant was executed on Defendant Real Property. Upon entry in Defendant Real Property, officers encountered Jimmy Curtis Mullenax. Law enforcement officers found drugs, evidence of drug distribution, and at least one weapon. The search warrant obtained was based on information that Jimmy Curtis Mullenax was operating a methamphetamine laboratory on the Defendant Real Property.

d. On April 26, 2016, a surveillance operation led to a State search warrant execution

at 1575 Mooney Lane for a stolen vehicle, narcotics and materials related to narcotics smuggling and distribution, and surveillance monitors. Two stolen vehicles, 16.5 grams black tar heroin, 3.5 grams cocaine, 1.5 grams methamphetamine, a small quantity of marijuana, scales, a DVR used to record security camera footage, and 1,832 rounds of ammunition were seized and three arrests were made.

e. On August 23, 2016, while conducting surveillance of Defendant Real Property, agents later seized 3.5 grams of methamphetamine from an indicted co-conspirator of Jimmy Curtis Mullenax. During a subsequent debriefing, the co-conspirator told agents he had purchased the methamphetamine from Jimmy Curtis Mullenax at Defendant Real Property and had been making several purchases of up to four grams of the drug all from Defendant Real Property.

f. On January 31, 2017, a cooperating individual, at the direction of law enforcement, communicated with Jimmy Curtis Mullenax regarding the purchase of two ounces of methamphetamine at the Defendant Real Property. While at Defendant Real Property, the cooperating individual completed the purchase of methamphetamine, weighing approximately 57.4 grams.

g. On February 27, 2017, agents intercepted several text messages that took place between Jimmy Curtis Mullenax and a co-conspirator. In a sequence of text messages, they agree to meet at Defendant Real Property for a drug transaction. Agents discovered that the co-conspirator had purchased over seven grams of methamphetamine and over one gram of heroin from Jimmy Curtis Mullenax at Defendant Real Property.

h. In May 2017, agents received information that James Randall Lee ROSS, a/k/a "SILVER" purchased approximately two (2) to three (3) ounces of methamphetamine per day, at a price of \$550 per ounce, for an approximate period of seven months, between February 2015 and September 2015, from Jimmy Curtis Mullenax at Defendant Real Property. Agents estimate that this alone totals

approximately 25-30 pounds of methamphetamine.

i. Ongoing periodic surveillance and the execution of enforcement operations throughout the entire 21 month investigation has placed Jimmy Curtis Mullenax at this property located at 1575 Mooney Lane Ingleside, Texas 78362 on a consistent basis. Prior to his arrest, agents observed Jimmy Curtis Mullenax present at Defendant Real Property at 2:20 PM on November 21, 2017. On November 30, 2017, Federal Law enforcement agents searched, pursuant to warrant, Defendant Real Property. They discovered a firearm, ammunition, two kinds of heroin, methamphetamine, and a digital scale. They also discovered a surveillance camera monitoring system.

NOTICE TO ANY POTENTIAL CLAIMANTS

YOU ARE HEREBY NOTIFIED that if you assert an interest in the Defendant Real Property which is subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The verified claims must be filed no later than thirty-five (35) days from the date this Complaint has been sent in accordance with Rule G(4)(b).

An answer or motion under Rule 12 of the Federal Rules of Civil Procedure must be filed no later than twenty-one (21) days after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas and a copy must be served upon the undersigned Assistant United States Attorney at the address provided in this Complaint.

PRAYER

WHEREFORE, the United States of America prays that judgment of forfeiture be entered against the Defendant Real Property in favor of the United States of America and for such costs

and other relief to which the United States of America may be entitled.

Respectfully submitted,

RYAN PATRICK
United States Attorney

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VERIFICATION

I, Roberto Hein, a special agent with the Department of Homeland Security, hereby affirm and verify that the facts set forth in the foregoing Complaint for Forfeiture in Rem are true and correct to the best of my knowledge and belief.



ROBERTO HEIN
Special Agent, Homeland Security

Sworn and subscribed before me, the undersigned authority, on this Ninth day of October, 2018.



Notary Public in and for the State of Texas

My commission expires: July 21, 2020



